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E.O. 12958: DECL: 03/14/2028  
TAGS: PTER KCRM ASEC VZ PREL PHUM KJUS PGOV GT  
SUBJECT: CICIG COMMISSIONER DISCUSSES PROGRESS AND  
CHALLENGES

REF: A. GUATEMALA 135  
1B. GUATEMALA 313

Classified By: Ambassador James M. Derham for  
reasons 1.4 (b&d).

Summary

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1. (C) Summary: In a March 14 meeting with the Ambassador and Pol/Econ Counselor, CICIG Commissioner Carlos Castresana discussed progress in establishing the CICIG office and beginning its first investigations. He outlined concerns over the extent to which some Guatemalan law enforcement organizations have been compromised by organized crime and corruption, and discussed the status of CICIG's current investigations, including progress in its investigation of the recent killings of bus drivers, organized crime rings within the police, and the high-profile February 2007 murder of three Salvadoran representatives of the Central American Parliament. Castresana underscored the need to collaborate with the U.S. and other donor countries to provide reliable witness protection. Among other challenges, he cited the lack of coordination between the Ministry of Government and the Public Ministry, CICIG's lack of third-country security officers, and the lack of counter-surveillance expertise among Guatemalan security officers. End Summary.

Guatemalan Law Enforcement Institutions are Unreliable

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12. (C) CICIG Commissioner Carlos Castresana told Ambassador and Pol/Econ Counselor March 14 that the biggest challenge that CICIG has encountered in carrying out its mission is the extent to which Guatemala's law enforcement institutions have been compromised by organized crime and corruption, which he characterized as worse than he had initially anticipated. According to Castresana, neither Attorney General Juan Luis Florido nor Minister of Government Vinicio Gomez is in control of their ministries. Castresana allowed that the PNC has conducted some competent investigations, but expressed doubts about the legality of their methods. He observed that various security organs of the Guatemalan state are riven by rivalries and lack of communication, and that senior leaders of some law enforcement agencies have private agendas which

include crime and corruption.

#### CICIG Investigating Bus Driver Murders

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¶ 13. (C) Castresana discussed the status of cases currently under CICIG investigation, including the investigation of the spate of murders of public bus drivers in early 2008 (ref A).

The Ministry of Government (MOG), he said, had conducted a simple but reasonably competent investigation that relied heavily on one 17 year-old witness (whom the PNC claimed was 18 so that his testimony would be admissible) who was a member of a gang. The MOG had concluded that two gang leaders, who are imprisoned in Chimaltenango, had given instructions to their gang to kill the bus drivers because of their failure to pay protection money; the PNC had captured two gang members as they were entering the offices of a bus company to demand an extortion payment; and the PNC had arrested one of the alleged murderers. PNC protection for the witness had been inadequate, however. On a Friday afternoon, they gave the witness approximately \$130 for the weekend, and told him to go find a hotel. He did not return Monday morning, and his whereabouts are unknown.

¶ 14. (C) This case highlighted CICIG's need to work with third countries -- including the U.S., Mexico, and Colombia -- to get cooperating witnesses into reliable witness protection programs outside the country. It also highlighted the lack of cooperation between the MOG and Public Ministry, Castresana said. While the PNC had made some progress in its investigation of the bus driver murders, the Public Ministry's dossier on the case differed (and was more incomplete) from that of the MOG, mentioning none of the MOG's witnesses or arrests. Castresana believed that members of Mara Salvatrucha (MS-13) were probably responsible for the murders. He said that bus companies are so at the mercy of MS-13 gang members who extort them that many have resorted to hiring gang members as their security chiefs. The hired gang members take a share of the profits and generally guarantee that the companies do not suffer other criminal acts. However, gang turf disagreements often arise, with bloody results. Castresana suspected that the latest spate of killings was the result of just such a disagreement.

#### Organized Crime Rings Within the Police

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¶ 15. (C) CICIG is also investigating a group of five transit police officers who branched out from car theft into other crimes, Castresana said. The officers allegedly abducted an adolescent couple and their children, tortured them, raped the young woman, stole their belongings, and then released them. Up to that point, the case had been common and unremarkable, Castresana said. However, the young man involved was a nephew of former Minister of Defense General Julio Balconi. Given their powerful connections, he and his girlfriend had felt empowered to file a criminal complaint against the police. In retaliation, the same police two or three months later again abducted the young woman and a female friend who was with her, and murdered them both. Castresana said the case highlighted the presence of organized crime within a state structure, which falls within CICIG's purview for investigation.

#### Murder of 9-Year-Old Girl

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¶ 16. (C) In contrast, a case which does not fit CICIG's parameters, Castresana said, is one that First Lady Sandra Torres de Colom publicly asked CICIG to investigate in the course of a public speech March 6 (rf B). Torres de Colom raised the case of 9-year-old Alba Mishell Espana from Camotan, Chiquimula, an extremely poor area. In Espana's case, a local criminal gang had kidnapped her apparently with the intention of extorting ransom from her family. However, its plans went awry when her abduction was immediately denounced in local media. Their plans thus complicated, Castresana said, they raped and murdered the girl and dumped her body. Given the facts of the case, CICIG viewed it as a common crime, and not as an emblematic case that would

logically fall within CICIG's purview. Torres de Colom, however, is of the view that investigating the gang would uncover more serious organized crime links.

#### PARLACEN Murders

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¶7. (C) CICIG is also investigating the infamous February 2007 murders of three Salvadoran Central American Parliament (PARLACEN) representatives. Castresana said that all signs continue to point to fugitive former Congressman Manuel Castillo of Jutiapa. However, he said, in a likely attempt to distract public attention, Castillo's lawyer had recently gone to the offices of Human Rights Ombudsman Sergio Morales with a man purporting to be a witness to the crime. Specifically, the man claimed to have been the driver of Specifically, the man claimed to have been the driver of Javier Figueroa, a senior police official and close associate of the then Chief of the National Police, Erwin Spiresen. Castillo's attorney and the alleged witness claimed to have tapes of conversations implicating Figueroa in the PARLACEN murders. Castresana commented that the driver was likely a Castillo plant intended to confuse the investigation.

#### CICIG's Budget Adequate, But Security Lacking

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¶8. (C) Regarding CICIG's organizational issues, Castresana said his funding was adequate. While third-country prosecutors, investigators, and other professional personnel continued to join his staff, lack of third-country security officers was hindering his operations. Guatemalan Special Administrative and Security Service (SAAS) personnel assigned to his office were capable of performing "generic" security functions, but they lack the ability to perform special tasks such as information security or counter-surveillance, and are of unknown loyalty and reliability. CICIG's original concept of operations had called for exclusive use of international security officers, but these had not been provided in adequate numbers. Furthermore, only about half of the few he did have had GOG weapons permits, meaning that they had to perform their duties unarmed.

#### European Donors Concerned About Death Penalty

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¶9. (C) Regarding recent domestic polemics about restoration of the death penalty, Castresana said some European donors had threatened to withdraw support for CICIG unless President Colom publicly renounced application of the death penalty. European donors were loath to provide support to a quasi-judicial organ that would investigate and prosecute crimes that could potentially be punished with the death penalty. The Ambassador opined that the resurgence of the death penalty issue is just political theater intended to placate a population increasingly worried about rampant crime, and that there was little likelihood that any executions would, in fact, be carried out. (Note: Later that same day, Colom vetoed the bill that would have possibly permitted the resumption of executions. End note.)

#### Comment

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¶10. (C) Amid numerous challenges confronting CICIG, Commissioner Castresana appears to be making some progress on investigations of clandestine criminal groups that have infiltrated all sectors of Guatemalan society, including state institutions. He also appears to have a realistic sense of the challenges he faces. In addition to whatever CICIG achieves during its two-year mandate, sustainability of CICIG operations will require strengthening of local institutional capacity to ensure proper transition of CICIG functions upon expiration of its mandate in 2010 (assuming its mandate is not extended).

Derham